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| ART UNIT | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 09/431,076 | FUJIWARA, ICHIRO | |
| | Examiner | Art Unit | |
| | Hung K. Vu | 2811 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *15 April 2002* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-12,52 and 53* is/are pending in the application.

4a) Of the above claim(s) *3,5 and 52* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4,9-12 and 53* is/are rejected.

7)☒ Claim(s) *6-8* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

## DETAILED ACTION

### *Election/Restrictions*

1. Newly submitted claim 52 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: claim 53 is not belonged to the elected embodiment 1 of Figures 3, 9 and 13.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 52 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### *Claim Objections*

2. Claims 2, 4, 6-12 and 53 are objected to because of the following informalities:

In claims 2, 4, 6-12 and 53, line 1, "A" should be changed to "The" for clarity.

In claim 9, line 3, "a source region" should be changed to "said source region" for clarity.

In claim 9, line 4, "a drain region" should be changed to "said drain region" for clarity.

In claim 9, line 9, after "bit" insert --line-- for clarity.

Appropriate correction is required.

3. The request to reinstate the canceled claims 13-22 is denied because the claims do not present as the new claims with the new claim numbers.

## *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4, 9-12 and 53 are rejected under 35 U.S.C. 102(e) as being anticipated by Fujiwara et al. (PN 5,999,444).

Fujiwara et al. discloses a nonvolatile semiconductor memory device comprising a plurality of memory elements (M11-M22) formed in the vicinity of the surface of a substrate (1), a plurality of word lines (WL1-WL2) for driving the memory elements, and a plurality of bit lines (BL1-BL2) [see Figures 1-2],

each of the plurality of memory elements including:

a semiconductor channel forming region (1a) formed in the vicinity of the surface of the substrate,

a source region (2) in contact with the channel forming region in the vicinity of the surface of the substrate,

a drain region (4) in contact with the channel forming region at a position facing the source region in the vicinity of the surface of the substrate,

a gate insulating film (6), including a tunnel insulating film (10,10a), formed on the substrate adjacent to the channel forming region,

a top insulating film (14) formed on the gate insulating film;

a conductive gate electrode (8) formed on the top insulating film on the gate insulating film, and

a charge storing means (12) facing the surface of the channel forming region and which is provided in the tunnel insulating film and in the gate insulating film and is planarly dispersed to the other neighbor charge storing means in the gate insulating film;

the gate electrode of the plurality of memory elements being respectively connected to the plurality of word lines [see Figure 2];

wherein the gate insulating film formed adjacent to the semiconductor channel forming region comprises a Fowler-Nordheim (FN) type tunneling film (10a) which has a FN type tunneling electroconductivity and contains material having a dielectric constant greater than that of silicon oxide [oxynitride, see Col. 11, lines 45-48].

Note that the term "FN type tunneling" is method recitation in a device claimed. Also note that only the final product is relevant, not the method of making. A product by process claim is directed to the product per se, no matter how actually made. See also MPEP 2113. Moreover, an old or obvious product produced by a new method is not a patentable product, whether claimed in "product by process" claims or not.

With regard to claim 2, Fujiwara et al. discloses the FN type tunneling film comprises any one of a nitride film, an oxynitride film, and aluminum oxide film, a tantalum pentaoxide film and a BST film, having an FN tunneling electroconductivity [see Col. 11, lines 45-48]. Note that the term "FN type tunneling" is method recitation in a device claimed. Also note that only the final product is relevant, not the method of making.

With regard to claim 4, Fujiwara et al. discloses the gate insulating film comprises a Pool-Frenkel (PF) type film including any one of a nitride film, an oxynitride film, and aluminum oxide film, a tantalum pentaoxide film and a BST film, having an FN tunneling electroconductivity [see Col. 11, lines 49-50]. Note that the term "PF type" is method recitation in a device claimed. Also note that only the final product is relevant, not the method of making.

With regard to claim 9, Fujiwara et al. discloses each memory transistor comprises the source region contacted to the channel forming region, and the drain region spaced to the source region and contacted to the channel forming region,

wherein a plurality of gate electrodes of the plurality of memory transistors are connected to a plurality of word lines [see Figure 2],

wherein the source region and drain region of each memory transistor are connected to a common line in a bit line direction, electrically insulated to and intersecting the word line, and

wherein the nonvolatile semiconductor memory device further comprises

a write inhibit voltage supply means (20) for supplying a reverse-biased voltage to the source region and/or the drain region of the memory transistor the gate electrode of which is connected to the word line selected at a writing, through the common line (SL2), to make the source region and/or the drain region in a reverse-biased state to the channel forming region, and

a non-selected word line biasing means (22) for supplying a voltage to a non-selected word line at the writing, a polarity of the voltage being a polarity making the non-selected word line in a reverse biased state to the channel forming region [see Figure 2 and Col. 4, lines 49-65].

With regard to claim 10, Fujiwara et al. discloses the write inhibit voltage supply means supplies the reverse bias voltage to the source region and/or the drain region to make a bias voltage of the memory transistor connected to the selected word line to thereby prevent an erroneous write and/or an erroneous erase [see Col. 3, line 11 – Col. 4, line 40].

With regard to claim 11, Fujiwara et al. discloses the non-selected word line biasing means supplies a voltage having a polarity for reverse-biasing to the non-selected word line to make a bias voltage or the memory transistor connected to the non-selected word line to thereby prevent an erroneous write and/or an erroneous erase [see Col. 3, line 11 – Col. 4, line 40].

With regard to claim 12, Fujiwara et al. discloses the non-selected word line biasing means biases the gate electrode to the source region so that a voltage of the gate electrode becomes a low level equal or lower than an inhibit gate voltage [see Figures 2 and 3].

With regard to claim 53, Fujiwara et al. discloses the gate insulating film (6) includes a tunnel insulating film (10,10a), a nitride film (12), and the top insulating film (14) in that order sandwiched between the surface of the substrate and the gate electrode, a portion of the gate insulating film overlapping each of the source region and the drain region [see Figure 1].

5. Claims 1, 2, 4 and 53 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakamura et al. (PN 6,518,617).

Nakamura et al. discloses a nonvolatile semiconductor memory device comprising:

a semiconductor channel forming region (11a) formed in the vicinity of the surface of the substrate,

a source region in contact with the channel forming region in the vicinity of the surface of the substrate,

a drain region in contact with the channel forming region at a position facing the source region in the vicinity of the surface of the substrate,

a gate insulating film (12,13a,13b), including a tunnel insulating film (12), formed on the substrate adjacent to the channel forming region,

a top insulating film (13b) formed on the gate insulating film;

a conductive gate electrode (14) formed on the top insulating film on the gate insulating film, and

a charge storing means (13a) facing the surface of the channel forming region and which is provided in the tunnel insulating film and in the gate insulating film and is planarly dispersed to the other neighbor charge storing means in the gate insulating film;

wherein the gate insulating film formed adjacent to the semiconductor channel forming region comprises a Fowler-Nordheim (FN) type tunneling film (10a) which has a FN type tunneling electroconductivity and contains material having a dielectric constant greater than that of silicon oxide [oxynitride, see Col. 4, lines 43-47, Col. 5, line 48-65].

It is inherent that nonvolatile memory device has a plurality of memory elements, a plurality of word lines, a plurality of bit lines and the gate electrode of the plurality of memory elements being connected to the plurality of word lines [see Fujiwara et al. (PN 5,999,444)].

Note that the term "FN type tunneling" is method recitation in a device claimed. Also note that only the final product is relevant, not the method of making. A product by process claim is directed to the product per se, no matter how actually made. See also MPEP 2113. Moreover, an old or obvious product produced by a new method is not a patentable product, whether claimed in "product by process" claims or not.

With regard to claim 2, Nakamura et al. discloses the FN type tunneling film comprises any one of a nitride film, an oxynitride film, and aluminum oxide film, a tantalum pentaoxide film and a BST film, having an FN tunneling electroconductivity [see Col. 4, lines 43-47]. Note that the term "FN type tunneling" is method recitation in a device claimed. Also note that only the final product is relevant, not the method of making.

With regard to claim 4, Nakamura et al. discloses the gate insulating film comprises a Pool-Frenkel (PF) type film (13a) including any one of a nitride film, an oxynitride film, and aluminum oxide film, a tantalum pentaoxide film and a BST film, having an FN tunneling electroconductivity [see Col. 5, lines 49-57]. Note that the term "PF type" is method recitation in a device claimed. Also note that only the final product is relevant, not the method of making.

With regard to claim 53, Nakamura et al. discloses the gate insulating film includes a tunnel insulating film (12), a nitride film (13a), and the top insulating film (13b) in that order sandwiched between the surface of the substrate and the gate electrode, a portion of the gate insulating film overlapping each of the source region and the drain region [see Figure 1].

### *Allowable Subject Matter*

6. Claims 6-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is an examiner's statement of reasons for allowance:

Applicant's claims 6-8 are allowable over the references of record because none of these references disclose or can be combined to yield the claimed invention such as the pull-up electrode in the vicinity of the gate electrode or a wiring layer connected to the gate electrode, via a dielectric film, and a pull-up gate bias means for applying a voltage to the pull-up electrode.

### *Response to Arguments*

8. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

### *Conclusion*

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung K. Vu whose telephone number is (703) 308-4079. The examiner can normally be reached on Mon-Thurs 7:00-4:30 and every other Friday 7:00-3:30, Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Thomas can be reached on (703) 308-2772. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Tom Thomas

TOM THOMAS
SUPERVISORY PATENT EXAMINER
TECH. CTR. 2800

Vu

March 18, 2003